IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6507 OF 2005

Liyakat Sayyad Ahmed Kedari. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri K.S.Patil for the Applicant.
Ms.Rajashree Gadhvi, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.
DATED : 5th October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant submitted that initially while lodging the F.I.R. the Applicant was not named and his name was included only by way of a supplementary statement. He pointed out that no case is made out for commission of offence under section 406 of the Indian Penal Code on the plain reading of the statement of the Complainant. Relying upon the statement of the Complainant's son, the learned A.P.P. submitted that from the co-accused recovery of certain goods has been made and the remaining goods are yet to be recovered.

3. A perusal of the F.I.R. as well as the statement of the son of the first informant shows that the first informant is running a shop in which electronic goods are sold. The allegation is that the Applicant and the co-accused placed an order for various

electronic items such as colour television, refrigerator, D.V.D. player etc. and the said goods were dispatched in a truck. The allegation is that inspite of assurance given by the accused persons, they did not pay price of the goods. In the F.I.R., the Applicant is not named and his wife has been named. In the supplementary statement, the name of the Applicant has been included. A plain reading of the F.I.R. indicates that the dispute seems to be as regards non payment of the price of the goods sold. In my view a case is made out for grant of anticipatory bail. The Sessions Court has already granted anticipatory bail in favour of the wife of the Applicant.

4. Hence the following order is passed:

(i) In the event of the arrest of the Applicant in connection with C.R.No.41 of 2005 registered with Shrivardhan Police Station, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

(ii) The Bail is granted subject to condition that the Applicant will attend the concerned Police Station on every Tuesday till filing of the charge sheet and will

cooperate for investigation.

(iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/ Investigating Agency. The Applicant shall not tamper with the prosecution evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) This order will enure to the benefit of the Applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in above terms.

(vii) The parties to act upon an authenticated copy of this order.

Judge.